

**EXHIBIT B****NO. 19-16333**

<b>ESTATE OF</b>	<b>§</b>	<b>IN THE DISTRICT COURT</b>
	<b>§</b>	
<b>RONALD RICHARD JOHNS, SR.,</b>	<b>§</b>	<b>MADISON COUNTY, TEXAS</b>
	<b>§</b>	
<b>DECEASED</b>	<b>§</b>	<b>278<sup>TH</sup> JUDICIAL DISTRICT</b>

**PLEA IN ABATEMENT OF MOTION TO REMOVE INDEPENDENT EXECUTOR  
AND TO APPOINT SUCCESSOR INDEPENDENT EXECUTOR**

COMES NOW, DAVID R. JOHNS, EXECUTOR, IN RESPONSE TO RONALD JOHNS, JR., a person interested in this Estate (“Movant”) and files this Plea in Abatement to the Motion to Remove Independent Executor and appoint Successor Independent Executor and would respectfully show as follows:

1. DAVID ROBERT JOHNS (the “Executor”) was appointed as Independent Executor of the Estate of Ronald Richard Johns, Sr., Deceased (“Decedent”) on May 29, 2018.
2. On or about March 24, 2020, Movant filed its pleading for removal in this Court alleging that the Executor is guilty of gross misconduct or gross mismanagement in the performance of his duties.
3. Further, the Movant asserted that the Executor is incapable of properly performing his fiduciary duties due to a material conflict of interest.
4. The motion is presently set for hearing on September 24, 2020.
5. In any event, one of the objectives of the motion is to remove David R. Johns from control of the primary asset of the estate, Murphy Commercial Services, Inc. d/b/a Murphy Global Logistics (the “Company”).
6. On August 12, 2020, the Company filed for relief under Title 11, Chapter 11 in the United States Bankruptcy Court for the Southern District of Texas, Houston Division,

under Case No. 20-203409.

7. On that same date, Company filed its Plan of Reorganization (“Plan”). The announced objectives of the Plan include the primary goal of restructuring the outstanding debt represented by the potential derivative claims and professional claims and continuing forward as an ongoing concern. A secondary goal is to enjoin interference with the orderly liquidation of the estate by harassing lawsuits filed by certain beneficiaries of the estate that challenge David R. Johns authority to act as executor of the estate, and necessarily with that change control the Debtor. A third goal is to cancel debt deemed uncollectable against the estate without creation of ordinary income for the estate.

8. The hearing on confirmation of the Plan has not been set but is likely to be heard close to the date on hearing on the removal of the executor. It is likely further that this hearing will need to be continued due to lack of completion of requested discovery by Movant. However, rather than expend resources on these discovery issues, Executor request abatement. The additional basis for abatement is the apparent conflict that any decision removing the executor will have on the hearing on the Plan, where this control issue is also being litigated. This conflict would result in a waste of judicial resources and lead to potentially inconsistent results.

9. Out of comity to the jurisdiction of this control issue in the Federal Bankruptcy Court, this Court is respectfully requested to abate this proceeding pending the outcome in the Bankruptcy Court of this control issue.

WHEREFORE, premises considered, Movant prays that the Motion for Executor be removed as Independent Executor and a successor appointed pursuant to Decedent’s Last Will and Testament be abated pending further order of the Bankruptcy Court on the control issue of the Company

presented.

Respectfully submitted,

/s/ Ryan Oliver Cantrell  
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ATTORNEY FOR EXECUTOR

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion to Remove Independent Executor and Appoint Successor Independent Executor has been forwarded on this the \_\_\_\_ day of August 2020 to the following Attorney for Movant:

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/s/ Ryan Oliver Cantrell

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